

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:02-CR-34

v.

HON. ROBERT HOLMES BELL

JOSE SOTO,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #147). The Probation Department's Report of Eligibility (docket #149) indicates that although the calculations regarding the drug amounts are changed by the retroactive amendment, a lower offense level does not result.

Since Amendment 750 does not result in a lower guideline range, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10.

ACCORDINGLY, defendant's motion is **DENIED**.

Date: March 28, 2013

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE